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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,742	09/05/2003	James M. Piatt	550299.93333	9082

26710 7590 06/16/2005

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EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/656,742	PIATT ET AL.	
	Examiner	Art Unit	
	Charles E. Phillips	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-15, 17 and 25-27 is/are pending in the application.
 4a) Of the above claim(s) 25 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-15, 17 and 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by DeBie.

The body is seen as the sink 14 providing full response to lines 1-6 of claim 1. The platform is seen at 10 and is "unfastened to the body" the second work surface is 23. Water will flow off of at least a portion of 23. Claim 2 is met by the shape of 14. Claims 7- 8 are met by element 13. Claim 9 is met by the convex nature of 23, best seen in Fig. 1. Re: claim 10 is met by a conventional faucet which DeBie would inherently possess. Applicant argues that 23 of DeBie is not a work surface. This is not well taken as this term defines nothing lacking in DeBie particularly in view of col. 2 line 13 where the structure of 10 is said to be "unitary." Any one of the surfaces of 23 would meet the term work surface as it alone and together with other areas is capable of use to place work thereon. Water will flow off of this surface just as any upstanding surface.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeBie, as set forth supra, in view of Clow .

To provide for the shape of the upstanding portion of DeBie to be identical or similar, for which applicant has support, would have been obvious as same is taught by Clow at b' and b".

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14,15,17 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No support is found for the term "identical".

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBie as applied supra, inview of Hennessy.

To provide for the sink environment of the former to employ a laminar flowspout 175' as taught by the sink environment of the latter would have been obvious to the ordinary adisan as the use of one sink spout in the environment of another sink would have been pima facie obvious.

Claims 1-3,7,8,14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Clow.

The sink here has a first work surface "a" surrounded by a wall and the drain opening can be seen in Fig. 3. The "platform" is seen as "b" and is shown attached by screws. The claim 7 "plurality of supports" is structure "b" and "c"; these as well can be considered "legs" for claim 8. Regarding the added phrase "unfastened to the body", Clow meets this term at least for the period of time in which b" is placed on B and not secured by screws. The "island" identified by applicant is deemed part of the first work surface and there is nothing in these claims to define over this. If the structure b" is attachable by screws as shown, then it certainly is detachable and as such can be unfastened. While Clow does not have the exact parameters of an elliptical nature, it is very similar in nature and would be deemed to vary only in obvious matters of design.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clow as applied supra in view of Bogusz.

To employ Bogusz on any portion of the sink surface of Clow would have been obvious as same is taught for use with a sink. The arguments here are not convincing as the Bogusz device is capable of the use set forth supra.


Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clow, as applied supra, in view of DeBie.

To provide for the upstanding structure b of Clow to be a portion of the platform, as taught by the leg structure 12 of DeBie would have constituted obvious alternative design expedients, on showing a work surface of an integral nature and one of a separable nature.

Art Unit: 3751

Claims 25 and 27 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/13/04.

Any inquiry concerning this communication should be directed to Charles E. Phillips at telephone number 571-272-4893.


Charles E. Phillips
Primary Examiner